DISARMAMENT

Newsletter

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The cover photograph shows the opening session of the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons as it met in Geneva on 20 August 1990.

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Fourth NPT Review Conference ends in deadlock

The Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons concluded its work five hours after midnight of its final meeting date, 14 September 1990, without being able to adopt a final declaration. The failure to adopt an agreed document, for which unanimity is required, was caused mainly by differences regarding a comprehensive nuclear-test ban.

Delegations from 84 States parties to the Treaty participated in the Conference, plus 15 observer States including France and China. 44 non-governmental organizations and research institutes also attended as observers.

The outcome was a disappointment to many who followed the work of the Review Conference, as, until the last week, a number of positive factors had been emphasized by most of the parties.

Among the factors mentioned were: progress in nuclear disarmament, particularly by the two super-Powers; the agreed protocols between them on verification of the Threshold and Peaceful Nuclear Explosion Treaties; the radically improved East/West relations; the presence for the first time at a Review Conference of the remaining two of the declared nuclear-weapon States – China and France; progress in present and projected IAEA safeguards operations; and the widely shared assessment that the NPT had served well as a bulwark against the proliferation of nuclear weapons to further countries.

Before negotiations broke down on differences regarding a test ban, some 95 percent of the text of a final document had been tentatively agreed, including a number of measures to make the implementation of the Treaty more effective.

Differences regarding a nuclear test ban are as old as the Treaty itself. In Article VI of the NPT the parties have undertaken to negotiate in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. The preamble of the NPT refers to the 1963 partial test-ban Treaty where the parties commit themselves to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time, and express their determination to continue negotiations to that end.

While many delegations stressed that significant progress in nuclear disarmament had been made since the previous Review Conference in 1985, a number of non-aligned States felt that the disarmament measures achieved were unsatisfactory in the absence of a clear undertaking to a complete ban on nuclear tests within a limited time frame. It was not possible to have such an undertaking at this time since the commitment of the United States is to end testing as a long term goal. Consequently, it was not possible to bridge the differing views on how the issue of a test ban should be treated in the final document.

Measures that were tentatively agreed to make the Treaty more effective included provisions on the "security assurances" given by the three nuclear-weapon parties that

they would assist any non-nuclear-weapon party to the NPT if it became the victim of an act or threat of aggression with nuclear weapons (so called positive asurances). Improved security guarantees have long been sought by a number of non-aligned countries.

A large part of the review concerned the safety of non-military nuclear reactors and the arrangements for inspection by the International Atomic Energy Agency (IAEA). More secure systems proposed for the future included on-site random inspections to ensure that peaceful nuclear technology was not diverted to military use. Also, exporters of nuclear technology and materials would be asked to make sure that there were full-scope safeguards whereby all the nuclear power facilities in the recipient country were under IAEA safeguards and not just the plants to which the shipment was being made.

The Conference also addressed the question of how the renewal or extension of the Treaty would be handled in 1995, when it is to be extended indefinitely or for an additional fixed period or periods. In the absence of a final declaration, this issue is likely to be referred to the United Nations General Assembly. It appeared that agreement had been reached to hold an Extension Conference in 1995 together with a full review of the NPT's operation since the Fourth Review Conference, although details of timing, number of preparatory committees and venue had not yet been resolved. □

From left to right: IAEA Director General Hans Blix; Representative of the UN Secretary-General and Under-Secretary-General for Disarmament Affairs Yasushi Akashi; Review Conference President Oswaldo de Rivero (Peru); Director General of the UN Office in Geneva Jan Martenson; and Secretary-General of the Conference Arpad Prandler. (Photo L. Bianco)

NGOs at NPT

44 non-governmental organizations and research institutes sent representatives to the Fourth NPT Review Conference with many experts among them.

Scholars included representatives of UNITAR, UNIDIR, SIPRI , the Carnegie Endowment for International Peace, the Federation of American Scientists, the Peace Research Institute Frankfurt and the Programme for Promoting Nuclear Non-Proliferation.

Another significant share of the NGO representation consisted of people who had been involved in previous NPT review conferences as delegates or as international organization officials.

Other NGOs present were peace and disarmament organizations such as the Quakers, the International Peace Bureau, the Women's International League for Peace and Freedom, Rissho Kosei-Kai and Soka Gakkai International; global issues groups such as United Nations Associations and Parliamentarians for Global Action; and environmental organizations such as Greenpeace International and the Nuclear Control Institute.

Many of the NGO representatives brought books, booklets, and papers with them to display and distribute.

As a result of the extensive knowledge and experience of the NGO representatives present it was possible for them to brief each other, and the latter parts of the UN briefings usually developed into informal seminars with a lively exchange of information and views. The various NGO experts exchanged information with each other and helped to answer press enquiries. This demonstrated some of the ways NGOs can benefit from and also inform the work of a conference by attending. □

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Women's International League for Peace and Freedom celebrates 75th anniversary

The United Nations has seen a host of citizens' organizations come and go over the years, but perhaps none has consistently been active as long as the Women's International League for Peace and Freedom (WILPF), which this year marks its 75th anniversary.

The successive efforts of the organization earned two Nobel Peace Prizes, for its first International President, Jane Adams, in 1931, and its first International Secretary, Emily Greene Balch, in 1946.

WILPF was founded in 1915, in The Hague, amidst the throes of the First World War. 1,500 women coming from both belligerent and neutral countries in Europe and North America gathered to call for an end to the war and for recourse to arbitration and conciliation in future disputes. They then brought their message to officials in 14 capitals, meeting with, among others, the Prime Minister of the United Kingdom, the Chancellor of Germany, the King of Norway and the President of the United States.

But at the end of the war, when the Allied peace terms for the Treaty of Versailles were announced, the organization predicted that it would "create all over Europe discords and animosities which can only lead to future wars." WILPF moved its headquarters to Geneva in 1919 to facilitate its efforts in support of the League of Nations as a force for peace and an avenue for achieving disarmament. This work continued after World War II with the League's successor, the United Nations.

During the Second World War, WILPF activities were prohibited in a number of occupied countries, but many continued to assist Jewish people to escape to Sweden.

With the advent of the nuclear age, WILPF again called for universal disarmament and for a world truce under the auspices of the United Nations. In 1956, the organization urged the investigation by UN agencies of the effects of radiation released by atmospheric testing. The widespread concern over these effects eventually led to the partial test-ban Treaty of 1963, which banned above-ground nuclear-test explosions.

In this its 75th year, the Women's International League for Peace and Freedom has relaunched its campaign to ban nuclear testing in all environments, with a focus on "The Health and Environmental Consequences of Nuclear Radiation from Weapons Production and Testing." □

Hiroshima after 45 years

On 6 August 1990 thousands of visitors attended memorial ceremonies at the Peace Memorial Park in Hiroshima, Japan. Many of the visitors left messages, flowers and chains of paper birds as symbols of peace at the park's monuments commemorating the victims of the atomic bomb dropped on Hiroshima in 1945.

Japanese Prime Minister Toshiki Kaifu reaffirmed Japan's policy of working for complete nuclear disarmament. He said that Japan, having experienced a nuclear attack on both Hiroshima and Nagasaki, was resolved not to let this happen again. □

Delegates at the founding convention of the Women's International League for Peace and Freedom in The Hague, in 1915. Jane Addams, President of the Congress and 1931 Nobel Peace Prize Laureate, is sixth from the left. (Photo courtesy of WILPF)

General Augustin Quesada Gomez of Spain, left, Commander of the United Nations Observer Group in Central America, watches a UN soldier cutting a weapon surrendered by the Nicaraguan resistance forces as part of the overall peace process in Central America. (UN Photo 157598 /Steen Johansen)

Disarmament in Central America

Meeting in San José, Costa Rica, the Deputy Foreign Ministers of the five Central American States agreed in late July to establish a Central American Security Commission as part of the ongoing peace process in that region.

Under their agreement, the purposes of the Commission are: to ensure that the armed forces of the countries of the region are defensive in nature; to establish a reasonable balance between the armed forces of the region so that they do not present a threat to neighbouring countries; to define a new model for security relations between the Central American States, based on co-operation, co-ordination, communication and prevention; and to secure commitments with respect to the foreign military presence in the region.

To these ends, the Commission saw as necessary to define the factors (geographic, demographic, etc.) to assess each country's military needs; to draw up inventories of weapons and military personnel in each country; to define force-level limits or reductions that might be required to meet the objectives listed above; to allow for such limits to be exceeded for dealing with internal conflicts or subversive movements in the region, subject to verification and control; to review and to continue negotiations on bases, installations, exercises and foreign military advisers; the establishment of verification and control mechanisms; the promotion of co-operation and trust between the States of the region; and to accept the offers of assistance of the Secretaries-General of the Organization of American States and the United Nations.

The Security Commission is to meet at 2-month intervals, along with extraordinary meetings as deemed necessary. Officials of the United Nations, who acted as observers at the meeting at which the agreement was reached, will continue to be invited to future meetings. □

New publications

The United Nations Disarmament Yearbook, Vol. 13, 1988 (Chinese), Sales No. C.89.IX.5

The United Nations Disarmament Yearbook, Vol. 8, 1983 (Arabic), Sales No.A.84.IX.3

Disarmament: A Periodic Review, Vol. XIII, No. 4, 1990 (English)

Disarmament: A Periodic Review, Vol. XII, No. 3, 1988 (Spanish), Sales No. 89.IX.7

Disarmament: A Periodic Review, Vol VIII, No. 1, 1985 (Arabic), Sales No.A.86.IX.3

Programme of Training on Conflict Resolution, Crisis Prevention and Management and Confidence-building among African States, Lomé, Togo, February 1990 (English)

Topical Papers 2: Science and Technology and Their Implications for Peace and Security (English), Sales No. E.90.IX.8

Topical Papers 3: Transparency in International Arms Transfers (English), Sales No. E.90.IX.9 □

Ten tons of metal recovered from weapons surrendered by Nicaraguan resistance forces to UN soldiers, such as those shown on the left, is to be used in the fabrication of artificial limbs for victims of the conflict. (UN Photos: left - 5792 /Steen Johansen; right - D.Mangurian)

"Arms for Arms" — scrap metal from Nicaraguan resistance weapons to be converted into artificial limbs

While some 130 experts were debating the theoretical aspects of conversion of military production for civilian use in Moscow at the United Nations Conference on Conversion (see article, this page), the United Nations Observer Group in Central America (ONUCA) was busy demonstrating its practical application by transferring approximately ten tons of scrap metal from destroyed weapons for conversion into artificial limbs under a scheme entitled "Arms for Arms."

Between 16 April and 29 June 1990, some 22,000 members of the Nicaraguan resistance voluntarily surrendered their arms to UN peacekeeping soldiers in special security zones in Nicaragua and Honduras, where the weapons were destroyed with acetylene torches (see August Newsletter). The demobilization and disarmament of the Nicaraguan resistance was part of a regional peace plan sponsored and supervised by the United Nations.

At a ceremony on 15 August at the Honduran Armed Forces 110th Infantry Brigade Headquarters, General Agustin Quesada Gomez, Chief Military Observer of ONUCA, formally handed over the key to the container holding the scrap metal to the Project Co-ordinator in Honduras of the World Rehabilitation Fund (WRF), Michael McGee. WRF is a non-governmental organization relying on voluntary contributions for its work. Over its 35 years of service, it has assisted 153 countries in programmes for the rehabilitation of disabled people.

The scrap metal will be recycled into artificial limbs for use in WRF's "Children at Risk" programme in Honduras, which was established to assist the innocent and most helpless victims of war. The objective is to provide attention to the under 17 population directly or indirectly affected by the recent conflict, regardless of nationality. □

Conversion from military to civilian production

Political developments in the recent past are bringing about important reductions in military expenditures worldwide. In the industrialized world, the political changes in Europe and progress in disarmament are having a far-reaching impact. In the developing world a number of regional conflicts have subsided. This, and a growing inability to purchase expensive arms in light of mounting debts and worsening economies, have also contributed to a decline in world spending on arms.

These developments have led to expectations of a "peace dividend," among politicians and the public alike. But these transformations also threaten to cause, in the short run, serious dislocations in economies with large arms industries and armed forces. Large numbers of decommissioned soldiers need to be integrated into the civilian economy, and a great number of defence industry employees will also have to be absorbed in production for non-military markets.

The question of economic adjustments in a period of military reductions and of facilitating the passage from military to civilian production was recently addressed at a major United Nations Conference on conversion entitled "Economic Adjustments in an Era of Declining Military Expenditure," held in Moscow, USSR, 13-17 August 1990.

The Conference, the first of its kind to be held under United Nations auspices, brought together some 130 expert participants and 40 observers from governmental, industrial, and labour sectors of 35 countries. Underscoring the importance of the event, statements were made on behalf of the Secretary-General of the United Nations and

the President of the Soviet Union, and a number of other high-level officials participated in the gathering.

The Conference did not set out to reach sweeping agreement on specific conclusions or recommendations for action, but rather to stimulate clear thinking, to provoke new ideas, to clarify differing points of view, and indeed to see whether the United Nations and the larger international community are asking the right questions, according to the United Nations Under-Secretary-General for Disarmament Affairs, Yasushi S. Akashi.

Mr. Akashi said that while the prophet Isaiah's vision of beating swords into ploughshares was a deeply appealing one, "Isaiah did not dwell on the quality or the cost of his ploughshares and pruning hooks, or on what the fate of the swordsmakers or the spear-carriers would be." Indeed, apart from a few creative adaptations — such as the use of scrap metal from destroyed weapons of the Nicaraguan resistance being offered for recycling into artificial limbs (see story, opposite page) — there appears to be relatively little direct use of destroyed or converted military hardware for the benefit of the civilian economy.

As could be expected, there was a wide spectrum of opinion on how best to deal with economic adjustments following decreases in military spending; there are differences of circumstances in each individual country — some with market economies, others planned, some industrialized and others developing — not to mention each community or indeed each industry or individual entreprise.

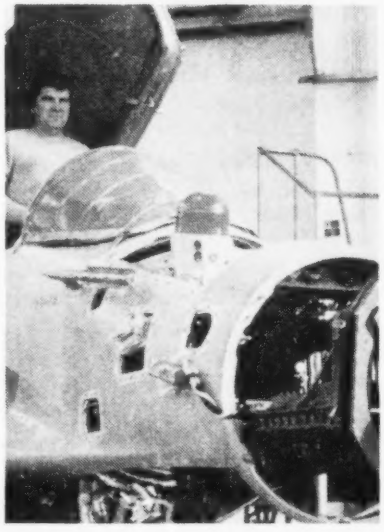
These differences may defy global solutions. But it was felt that the sharing of experiences might help the process for all, and that certain broad concepts could be applied more generally than others.

For instance, there was general agreement that it was important for an orderly adjustment of the national economy to assist workers and armed forces who become vulnerable to dislocation or redundancy as a result of a decline in public spending for defence. There was a need for vocational retraining opportunities, and for careful planning, especially at the local level in specific plants and communities, to anticipate production cutbacks, unemployment and the closure of military bases.

Most countries face at least some of the same obstacles, such as: the difficulties encountered by defence sector enterprises, used to dealing with governments as their only customers, in adapting to civilian market conditions; the related problem of declining profit margins; and the difficulties experienced by local communities in trying to generate new forms of employment in regions which have historically relied on defence manufacturing.

The effects of East-West arms reductions on the developing world were also discussed. A prime concern was that arms negotiated out of the stocks of the industrialized world might be dumped on third world markets. Also, by using up commodities and reducing supply without meeting any sort of consumption demand, arms expenditures tend to be inflationary. Conversely, reductions in military spending would have a deflationary impact. The effects on world commodity prices and their consequences would need to be examined and counteracted.

One of several suggestions made at the Conference was to set



At Moscow's Red Banner MIG-29 plant, fighter jet assemblies are giving way to production of seat covers and other consumer items.

GA 1990: major disarmament topics

With the continuing evidence that the international security equation is undergoing fundamental change, questions of disarmament have taken on increasing relevance at the United Nations General Assembly.

In recent years, some 60 resolutions have been adopted each year on questions of disarmament. These resolutions begin as drafts, which are introduced, debated, often revised and sometimes voted upon within the First Committee of the General Assembly, which meets from early October to early December each year. The report of the First Commitee contains its recommended resolutions to be brought before the General Assembly itself.

The following is a discussion of three of numerous important questions that will be discussed and subject to resolutions in the course of the 45th session of the General Assembly.

Nuclear-test ban

A comprehensive ban on the test-explosions of nuclear weapons, since it was first proposed in 1954, has dominated the discussions at the United Nations in the field of multilateral disarmament. More United Nations General Assembly resolutions have been adopted urging a comprehensive test ban (CTB) than any other disarmament measure – some 70 in all.

The Soviet Union, the United Kingdom and the United States attempted to agree on a CTB in trilateral negotiations between 1958 and 1962, but disagreements, said to be over the number of on-site inspections, led the three Powers to opt instead for a partial test-ban Treaty, signed in 1963, banning nuclear testing in the atmosphere, under water and in outer space where explosions could be more easily observed, but not including underground testing in the ban.

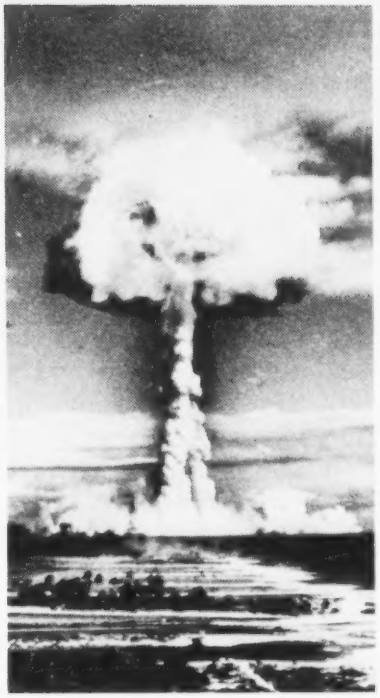
This Treaty has since been adhered to by 118 States. Then in 1974, the United States and the Soviet Union agreed to limit the explosive power of their nuclear-weapon tests to 150 kilotons (roughly equal to 150,000 tons of dynamite, or about ten times the force of the Hiroshima bomb).

That agreement – the Threshold Test-Ban Treaty – was complemented in 1976 by a similar agreement covering peaceful nuclear explosions – the Peaceful Nuclear Explosions Treaty (PNET).

Negotiations on additional verification measures for these treaties have recently been completed by the two parties (see August Newsletter), which are expected to lead to their ratification.

New trilateral negotiations on a CTB, between 1977 and 1980, were abandoned without reaching a successful conclusion.

In spite of this long legacy of commitment, there has yet to be formal multilateral negotiations on a CTB. In 1982 and 1983, the Conference on Disarmament – the multilateral disarmament negotiating body – set up an *ad hoc* subsidiary committee with a limited mandate to examine verification and control questions, but not actually to negotiate a treaty. No tangible progress was made, however, and disagreement over the scope of the mandate prevented the re-establishment of an *ad hoc* committee for another five years. Then in late July 1990, an *ad hoc* committee was once again set up on the basis of a non-negotiating mandate.



A mushroom cloud forming after a nuclear test conducted by France in 1972 in the Pacific. (Photo credit: United Nations /Sygma)

Meanwhile, since 1985 six non-nuclear States have been promoting the idea of converting the 1963 partial test-ban Treaty into a comprehensive test ban; that treaty's amendment clause allows for a conference to be called to consider amendments if supported by at least one-third of the parties. Such a conference is scheduled to be held in January of 1991. The amendment becomes binding on all States parties if supported by a majority of the parties including the three depositaries (UK, USA and USSR).

In recent sessions of the General Assembly, there have been, basically, three approaches to a CTB: under the agenda item "Urgent need for a comprehensive nuclear-test ban treaty," the General Assembly has called for a non-

negotiating *ad hoc* committee in the Conference on Disarmament, in resolutions alternately proposed by Australia and New Zealand. Resolutions under this agenda item have received wide support, with, at last year's session, only France and the United States opposing and six States abstaining (Argentina, Brazil, China, India, Israel, United Kingdom). A second resolution calling for an *ad hoc* committee with a negotiating mandate, alternately introduced by Mexico and Sweden, has been adopted at recent sessions of the General Assembly under the agenda item "cessation of all nuclear-test explosions." In 1989, three States opposed that resolution – France, the United Kingdom and the United States – while all other NATO States, except for Denmark, Greece and Norway, abstained, along with China, Israel and Japan.

A third resolution, listed last year for the first time as a separate General Assembly agenda item, concerns the proposed "Amendment to the Treaty Banning Nuclear Tests in the Atmosphere, in Outer Space and under Water." Last year, the resolution under this item, introduced by Mexico, was opposed by the three Western nuclear Powers, while 22 States, primarily those of the Western European and Other group, abstained.

Indonesian weapons systems on display at the Defence Asia '89 exhibition in Singapore (Photo credit: Armed Forces Journal, International)

International arms transfers

The United Nations General Assembly has recently accepted to deal with the question of international arms transfers as an issue of importance, after past attempts to see it inserted into its agenda had been unsuccessful. Various States have endorsed both increasing transparency in the area of arms transfers, and for eventually controlling them in some way.

The topic is sensitive both for exporters and importers of weapons alike. Many developing States, lacking indigenous arms industries, are dependent on arms imports to meet their security needs. Many States that are able to produce arms domestically rely to some extent on exports to finance this capability and thereby reduce their own dependence on arms imports.

Nevertheless, the idea that increased transparency in transfers of weapons would constitute an important confidence-building measure seems to be gaining ground. There is also a recognition that the availability of arms may make it more tempting to go to war rather than exhaust efforts to resolve conflicts peacefully.

To cast more light on the topic, the General Assembly has asked for a study on international arms transfers, currently being conducted by a group of government experts, which is to be finished in time for the 1991 General Assembly.

A United Nations symposium on this question was also held recently in Florence, Italy (see August 1990 Newsletter).

Conventional weapons

Accounting for almost all of the more than 20 million war-related deaths since the founding of the United Nations and over 80 percent of world-wide military expenditures, conventional weapons and the need to control them have taken on increasing importance in the eyes of many.

Although the issue of conventional armaments and armed forces was addressed by the UN General Assembly at its earliest sessions, the question of nuclear disarmament has traditionally dominated discussions in the field of arms regulation and disarmament.

And in spite of growing recognition of the need to deal both with this issue and with nuclear disarmament at the same time, there is as yet no consensus on the best means of bringing about conventional disarmament. Some States see the issue as a regional one requiring regional solutions, while others emphasize the global nature of the problem.

In recent years, regional disarmament has made significant progress, particularly in Europe and Central America .

On a global scale, the most important arrangement dealing with conventional weapons is the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its Protocols. The inhumane weapons Convention, as it is commonly known, was agreed in 1980,and is intended to protect

A Leopard tank of the 8th Canadian Hussars crosses a pontoon bridge during a NATO exercise in southern FRG. Progress in arms talks in Vienna is to sharply reduce the number of tanks deployed in Central Europe. (Canadian Forces Photo by Sgt. Rick Sanschagrin)

civilians and civilian objects from attack with incendiary weapons, landmines and booby traps. It also prohibits entirely the use of any weapon the primary effect of which is to injure by fragments that cannot be readily detected in the human body. There have been various proposals to broaden the scope of the Convention through additional protocols.

At its 1990 session, the United Nations Disarmament Commission was at last able to conclude its consideration of Conventional Disarmament (see August Newsletter). It noted the progress that has been made in this area in Europe and Central America, but also warned of the continuing "accumulation and sophistication of conventional arms."

A major concern also addressed in the Commission's recommendations was that arms being pulled out of Europe might be "dumped" onto third world markets. The Commission agreed that "weapons and equipment which are the subject of conventional force reductions agreements should not be transferred, directly or indirectly, to States not party to the agreement in question." "The principal method of dealing with such weapons," the Commission urged, "should be destruction."

The United Nations 1989 General Assembly adopted a number of resolutions relating to conventional disarmament, all but one adopted without a vote.

A resolution entitled "Confidence- and security-building measures and conventional disarmament in Europe," introduced by France and the FRG, welcomed the opening of, and progress in, the two sets of negotiations in the framework of the Conference on Security and Co-operation in Europe, one on the elaboration of new confidence- and security-building measures and the other on conventional armed forces in Europe.

A second resolution, entitled "Conventional Disarmament," was introduced by China. While recalling the priorities in disarmament negotiations as stated in the Final Document of the First Special Session of the General Assembly devoted to Disarmament, it urged the countries with the largest military arsenals bearing a special responsibility in pursuing the process of conventional disarmament, and their allies to "continue their intensive negotiations on conventional armaments." It also encouraged all States, while taking into account the need to protect security and maintain necessary defensive capabilities, "to intensify

their efforts and take, either on their own or in a regional context, appropriate steps to promote progress in conventional disarmament..."

A resolution introduced by Denmark, also entitled "Conventional Disarmament," related to the efforts of the Disarmament Commission.

Two resolutions, one chiefly sponsored by Peru and the other by Belgium, dealt with "Conventional disarmament on a regional scale" and "Regional disarmament," respectively.

The former was the only resolution discussed in this article that was not adopted without a vote. In introducing the draft resolution in the First Committee, the Peruvian delegation stressed the complementary nature of subregional and regional efforts on the one hand, and those made on the global level, on the other; the role of the United Nations in solving regional conflicts; and the intrinsic and complex relationship between disarmament and development.

This resolution was adopted by the General Assembly by a vote of 119-1-31. The US cast the negative vote, with Western States and a number of non-aligned abstaining.

The resolution presented by Belgium on "Regional Disarmament" welcomed progress in Central America and Europe with respect to regional disarmament, encouraged States to "consider and develop, as far as possible, regional solutions in the matter of arms reduction and disarmament."

While no action was taken with respect to the inhumane weapons Convention, it was decided to include an item on this topic in the agenda of the 1990 session of the General Assembly. □

The inhumane weapons Convention — ten years in force

Ten years ago this December, the United Nations General Assembly adopted the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects. The inhumane weapons Convention, as it is usually called, was negotiated at a special UN Conference that took place in Geneva from 1979 to1980.

Bridging disarmament and international humanitarian law applicable to armed conflicts, the Convention was preceded by a prohibition against so-called dum-dum bullets adopted at the 1899 Hague Conference, which, together with a subsequent conference in The Hague in 1907 also adopted a series of conventions restricting or forbidding the use of underwater contact mines, poison weapons and projectiles that diffuse asphyxiating or deleterious gases — all of which are considered inhumane. Currently, 32 States have adhered to the Convention.

Following two expert studies in the 1970's (one by the United Nations and one by the International Committee of the Red Cross) on newer weapons and technologies that might cause excessive suffering or have indiscriminate effects, the General Assembly decided in 1976 to convene the special conference.

The Convention itself is an "umbrella" treaty, under which specific agreements can be subsumed in the form of protocols to it.

Three such protocols were agreed to when the Convention was opened for signature, providing new rules for the protection of civilians and civilian objects and, in some cases, military personnel as well.

Under its current Protocols, the Convention prohibits the use of any weapon that causes injury by fragments not readily detectable in the human body and restricts the use of mines and booby-traps and other devices such as manually-emplaced explosives actuated by remote control. It also prohibits making the civilian population the object of attack by incendiary weapons and restricts the use of such weapons against military targets.

A number of States have urged the strengthening of the Convention. Consideration to such proposals could be given at a review conference or an amendment conference, both of which are provided for by the Convention.

Issues that might be addressed by such conferences include: the idea of banning completely the use of incendiary weapons (as opposed to limiting their use, as is currently prescribed); discussion of legally-binding rules on small-calibre weapon systems; the question of "material remnants of war" — i.e., mines and other explosives left behind after an armed conflict; fuel-air explosives (FAE — bombs that use fuel clouds detonated in the air causing a powerful shock wave), and anti-personnel laser weapons.

Apart from these and other weapons which many States may wish to have constrained or banned by the Convention, it is also thought that some States may wish to address the fact that the Convention does not provide for any rules of verification. □

CW negotiations: an update

As the Conference on Disarmament, the multilateral disarmament negotiating body, concluded its 1990 session, there was widespread disappointment that progress in the negotiations seeking to ban chemical weapons had fallen short of expectations.

Hopes had been raised that the convention would be completed at an early date following a January 1989 Conference in Paris that had given political momentum to the negotiations under consideration since 1981. In a strong display of international unity, 149 nations, many represented at the Foreign Minister level, agreed on a common declaration condemning the use of chemical weapons and calling on the Conference on Disarmament tc redouble its efforts to conclude its negotiation of a universal ban. Heightened awareness of the human devastation that can be inflicted by chemical weapons, as demonstrated by their use in the Iran-Iraq war, catapulted the CW discussions to the forefront of the international disarmament agenda.

In spite of strong expressions of political will, core issues remain controversial and progress in elaborating the draft convention prohibiting the development, production and stockpiling of chemical weapons and on their destruction has slowed considerably since important strides were made in 1986-1987.

Observers stress that negotiating a ban on chemical weapons represents a formidable task for the international community: never has so comprehensive a disarmament agreement been attempted. It has been pointed out that chemical disarmament is far more complicated than nuclear disarmament on any scale.

As compared to the production of nuclear weapons, chemical arms fabrication is relatively simple and inexpensive. Many of the chemicals are of dual-use character, meaning they can be both for peaceful and military purposes. The same is true of nuclear materials, but in the latter case comparably few ingredients can be used in weapons (essentially, highly-enriched uranium or plutonium – both of which are extremely difficult to produce and relatively easy to detect if produced in significant quantities).

Also, there are less than 500 nuclear power plants in operation world-wide compared with many tens of thousands of chemical production facilities.

Broad and intrusive verification is required to ensure confidence in universal compliance for the convention to be effective. At the same time, there are legitimate concerns, both on the part of governments and the chemical industry, that confidentiality of facilities, activities and equipment for non-weapon purposes is protected. Thus, a system of "managed access" is required.

The draft convention

The basis of the work in Geneva is the currently 211-page document entitled "Report of the *Ad Hoc* Committee on Chemical Weapons", which is updated as progress is made through each of the committee's sessions.

146 pages of this document are taken up by its Appendix I, which is the "draft convention" itself. The draft, known as the "Rolling Text," contains twenty Articles and eight annexes. Appendix II of the report contains working material which has been insufficiently detailed or which, owing to divergences of opinion, has been blocked from inclusion in the "Rolling Text" itself.

Every word of the report, be it in Appendix I or II, requires the unanimous consent of the 40 nations that

George Bush, as the then Vice-President of the United States, presenting a draft treaty on the abolition of chemical weapons at the Conference on Disarmament in Geneva in 1984.

make up the Conference on Disarmament. (As called for in the Paris Declaration, other States are also welcome to follow and contribute to the negotiations, and over thirty additional States have done so.) Footnotes and brackets in the "Rolling Text" are used to indicate lack of consensus on provisions or wording.

Following is an outline of the basic structure of the draft convention. It should be noted that the "Rolling Text" is so-called because it is constantly evolving and subject to change, and the descriptions offered here are only intended to provide the reader with a general picture and is therefore without prejudice to existing differences of opinion between the negotiating parties.

Article I would mandate the destruction of existing chemical weapons and chemical weapons facilities and commit States not to "develop, produce, otherwise acquire or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone." The Article also contains a prohibition of the use of chemical weapons, intended to strengthen the 1925 Geneva Protocol, to which more than a third of the parties have attached reservations limiting the ban to first-use only and leaving them free to retaliate in kind if attacked with chemical weapons.

There remains some disagreement as to when the comprehensive ban on use should come into effect – with some States holding the view that the option of second use of chemical weapons should be permitted during the whole destruction period, while most States feel that the ban should come into effect as soon as the convention enters into force.

Article II would provide definitions for some of the terms used in the convention, including a description of what is meant by "chemical weapons". In this regard, a key criterion for determining chemical weapons is a subjective one, namely that of intent. This is intended to enable the convention to keep pace with technological developments.

Article III would stipulate that States Parties must make specific declarations, shortly after entry into force, on their possession of chemical weapons and chemical weapons facilities under their jurisdiction or control, and, as the case may be, on their location and quantities.

Articles IV and V, along with their annexes, are to be the detailed provisions for declarations and destruction of chemical weapons and their production facilities. Destruction is to take place over 10 years and facilities are to be made inoperable immediately after entry into force.

Article VI deals with the right to develop, produce and transfer chemicals for purposes not prohibited by the Convention, and subject to international monitoring of chemicals listed under three "schedules" or types (based on their relative utility as chemical weapons) in the Annex on Chemicals, as well as facilities. Three verification régimes in descending order of intrusiveness for each schedule of chemicals are contained in Annexes to the Article.

Article VII concerns national implementation of the Convention and provides for a National Authority in each State Party to serve as liaison with the International Organization (see below) and other States Parties.

Article VIII is to describe the composition and function of an International Organization and its Technical Secretariat, to assist in the achievement of the convention's objectives and ensure compliance.

Article IX deals with, *inter alia*, challenge inspections.

Article X concerns assistance to States Parties against whom chemical weapons have been used, and **Article XI** deals with Economic and Technological Development. The draft texts of these two articles remain in Appendix II.

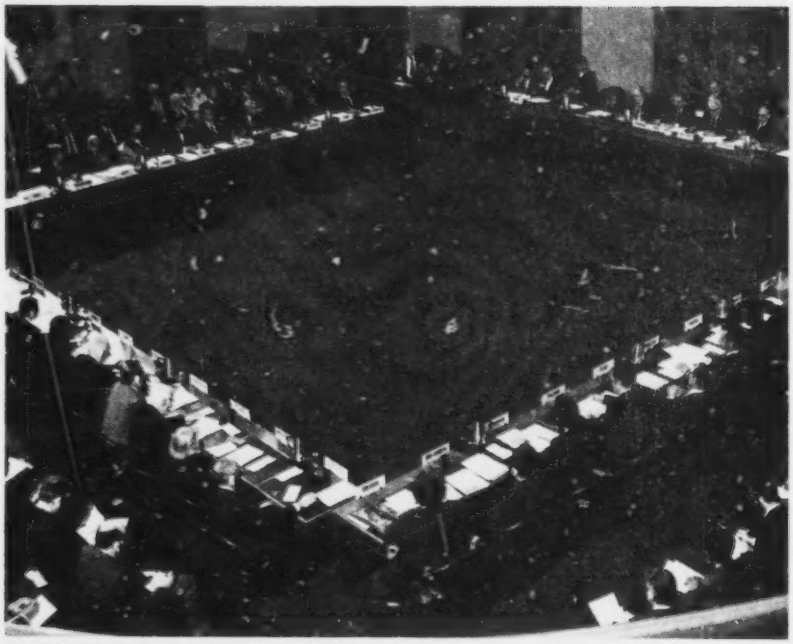
The remaining articles would deal largely with procedural matters such as entry into force, duration, amendments etc., some of which remain controversial.

Along with those Annexes already mentioned, there are also to be annexes on Chemicals and Protection of Confidential Information.

Recent developments and trends

In early June of 1990, an important step was taken with the bilateral agreement between the United States and the Soviet Union to slash their CW stockpiles and halt their production.

But at least one aspect of the US-Soviet agreement has presented an obstacle to the



The Conference on Disarmament, the forty-nation disarmament negotiating body, where talks are underway to complete a chemical weapons convention that would ban their production, deployment or acquisition, as well as mandate their destruction.

negotiations on the multilateral convention: under their joint proposal, the Soviet Union and the United States agree to reduce their stockpiles, together with the other parties, by 98% by the eighth year of the multilateral convention, at which time, however, a special review conference would be held to determine if adherence to the convention was sufficiently broad to enable them to eliminate the remaining 2% of their CW stocks.

Both the group of non-aligned and neutral States and China strongly object to this proposal, arguing that it is discriminatory: those who have chemical weapons would be free to continue to keep a stockpile for as long as they deem fit, whereas those who don't have chemical weapons would be barred from acquiring them.

Other areas where agreement continues to prove elusive include the following:

As noted above, some countries wish to maintain the **right to retaliatory or second use** of chemical weapons for as long as these weapons remain in their arsenals. To most countries, this is unacceptable as it would mean that States Parties with chemical weapons could conceivably use them, for a period of up to ten years (the mandated destruction period).

Although **verification procedures** for "routine inspections" at declared facilities have been largely agreed on, the concept of "challenge inspection" (any place, any time), continues to be considered by a number of the other negotiating parties as highly intrusive to their chemical industries, offensive to their sovereignty, open to abuse or, quite simply, politically difficult to request.

A number of Western States, now supported by Eastern States, have therefore proposed variations on the so-called "*ad hoc* inspection" formula to cover chemical production facilities that do not produce the kind of chemicals that would subject them to routine inspections, but which would nevertheless be capable of such production (such facilities, it has been argued, would be the most likely outfits for clandestine production of prohibited agents should a State Party wish to try to contravene the prohibition).

These proposals, in their present form, have been criticized as unsatisfactory by both proponents and opponents of "challenge inspection."

The question of **responsibility for the destruction of chemical weapons abandoned on the territories of other States** remained divisive, with some delegations insisting that those States having abandoned CWs during past conflicts should announce this fact and assume responsibility for their destruction, while others questioned the feasibility of such a procedure and therefore felt that the responsibility for destruction should lie with the States on whose territory these weapons are found.

Consultations on the question of **jurisdiction and control** over chemical production facilities revealed difficulties in imposing obligations on States which they

A GDR soldier dressed in a chemical weapons protective suit during joint military exercises with the Group of the Soviet Army in Germany. Observers from Conference on Security and Co-operation in Europe States watch.

may be unable to fulfill. For example, a State having jurisdiction over an entity that controls a facility or activity in the territory of another State might find it difficult to enforce the convention's provisions without infringing on the sovereignty of that other State.

The question of **"assistance"** to States that come under attack or threat of attack by chemical weapons continued to be divisive. Although it is agreed that the convention should provide for such assistance, conceptual differences remained as to the degree of automaticity of assistance as well as whether provision of assistance would be mandatory and/or voluntary.

No progress had been made on the question of the size, composition and decision-making procedure of the **Executive Council of the International Organization** that would govern the Convention; some delegations propose that membership on the council should be based on the level of industrial/chemical development (a formula somewhat similar to that used for the international Sea-Bed authority under the law of the sea Convention) and others prefer the criteria to be based on the concept of equitable geographical or regional distribution.

In spite of the frustration of many in overcoming long-standing obstacles, important progress continues to be made. Among the areas where the negotiations have advanced at its most recent session are:

- Detailed procedures for on-site inspections to investigate the alleged use of chemical weapons;
- Definitions under article II of the draft convention;
- Agreement on a number of ceilings for production of certain chemicals;
- The order of destruction of chemical weapons and chemical weapons production facilities;
- Procedures for amendments, with more stringent amendment procedures for the basic provisions of the convention and a simplified procedure for provisions of a technical nature;
- Settlement of disputes;
- Progress has been made on "measures to redress a situation and ensure compliance". With regard to sanctions, common ground was reached on the need to address concerns of non-compliance within the organs established by the convention, with the additional possibility to seek redress through the United Nations Security Council in cases of particular gravity.

In order to give the negotiations a needed political impetus, a number of delegations suggested that the Conference on Disarmament hold a meeting at the ministerial level early next year. This proposal seems to be gaining support.

The committee recommended that it resume its work during the period 8-18 January 1991, and that open-ended consultations be undertaken from 26 November-21 December 1990 to continue elaboration of the draft convention. □

NGO news items

The brief report below on activities of non-governmental organizations includes some of the events and programmes which have come to the attention of the United Nations Department for Disarmament Affairs. The coverage does not imply any judgement by the United Nations.

The **Civilian-Based Defense Association** will hold a consultation in Washington, DC on 8 and 9 November 1990. The Association defines civilian-based defence as a future defence policy in which the people and institutions of a country would use prepared nonviolent sanctions to deter and defeat attempts at aggression from abroad or attempts to overthrow legitimate government from within. A major speaker expected is Cristopher Kruegler of the Program on Nonviolent Sanctions in Conflict and Defense at the Center for International Affairs at Harvard University. **Contact**: Civilian-Based Defense Association, P.O. Box 31616, Omaha, Nebraska 68131. (Tel: 402 558 2085)

The International Peace Bureau held its Annual Conference in Paris from 14-16 September. Two main themes were addressed: a New World Order and the Campaign for a Comprehensive Nuclear Test Ban. The Conference also included debate on the consequences of the Persian Gulf crisis and a report directly from the 4th Nuclear Non-Proliferation Treaty Review Conference which had just completed its work. Among the speakers were key figures from the Nevada/Semipalatinsk Test Ban Campaign, from Parliamentarians for Global Action, and from the French organization Appel des Cent. **Contact:** IPB, Rue de Zurich 41, CH-1201 Geneva, Switzerland, (Tel: 41 22 731 6429)

The **Consortium on Peace Research Education and Development (COPRED)** held its 19th annual conference at the Bergamo Center, Dayton, Ohio, USA from 6-9 September, 1990. Taking the theme, Unity in Diversity, the conference discussed a range of topics including: Approaching Business on Economic Conversion; Indigenous Problem Solving Approaches in the Developing World; Multi-Track Diplomacy; and Structural Violence: Symptom of Cultural Deficiency. **Contact**:COPRED, c/o Center for Conflict Analysis & Resolution, George Mason University, 4400 University Drive, Fairfax, VA 22030 USA. (Tel: 1703 323 2806 Fax: 1 703 764 6515)

The **Institute for East-West Security Studies** held expert meetings in England in February and in Austria in April. The February meeting considered regional arms transfers and arms control in the Middle East. Discussion focused on five papers including one on "Unconventional Weapons and Regional Stability in the Middle East" prepared at the University of Cairo and one on "Ballistic Missiles and Chemical Weapons in the Middle East" perpared at Tel Aviv University. The April meeting concerned conventional arms reduction and stability in Europe with working groups on "Appropriate Force Structures and Deployments for Both Alliances at Lower Levels of Troops and Equipment" and on "The Impact and Control of Technology in Future Force Reduction Negotiations". **Contact**: Institute for East-West Security Studies, 360 Lexington Avenue, New York, NY 10017, USA (Tel: 1-212 557 2570, Fax:1-212 949 8043)

Project Global 2000 will be launched at the first meeting of its International Partnership Council in New York City on 16 November 1990. Built on 17 years of research and contact work by Global Education Associates (GEA) with some 300 NGOs around the world, Project Global 2000 will develop a co-ordinated global effort in some 50 countries to identify institutional changes to enable economic and ecological systems to be mutually supportive. **Contact**: GEA, 475 Riverside Drive, Suite 456, New York, NY 10115, USA. (Tel: 1-212 870 2055)

International Physicians for the Prevention of Nuclear War held its 5th European symposium at Coventry, England from 13-16 September. Under the title, Health and Security 2000: New Thinking in Europe, it addressed the following themes: the impact of nuclear weapons on health, new thinking and security, psychosocial aspects of security and the contribution of health professionals, academic researchers and members of other professional bodies. **Contact**: IPPNW European Symposium Secretariat, 601 Holloway Road, London N19 4DJ, England (Tel: 44 1 272 2020)

Following a 10:30am **DPI Briefing** on 25 October where Ambassador Maj Britt Theorin will present the UN Expert Study on Nuclear Weapons, the **NGO Committee on Disarmament** in New York has organized a public forum at the UN at 1:30 on the UN Role in Verification. It has also arranged a 1pm forum on November 8 on a Comprehensive Nuclear Test Ban and a fissile materials cut-off. **Contact**: NGO Committee on Disarmament, 777 UN Plaza, New York, NY 10017 (Tel: 1-212 687 5340)